

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS									
M-L & ASSOCIATES, LTD., a limited partnership, v. C.I.T. CORPORATION, a New York corporation,				For plaintiff: William C. Kellough J. C. Joyce (585-2751 1304 Petroleum Club Building Tulsa 74119									
				For defendant: Stephanie Seymour G. Michael Lewis, Sam P. Daniel, Jr. Doerner, Stuart, Saunders, Daniel & Langenkamp 1200 Atlas Life Bldg. Tulsa 74103 William Baronoff 650 Madison Ave. New York, New York 10022									
STATISTICAL RECORD				COSTS		DATE		NAME OR RECEIPT NO.		REC.		DISB.	
J.S. 5 mailed 5-1-74				Clerk		4/11		J. Joyce		15.00		15 00	
J.S. 6 mailed 10-1-71				Marshal		4-18-74		C/D #41					
Basis of Action: money judg., breach of contract				Docket fee									
				Witness fees									
Action arose at:				Depositions									

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-11-74	1. Complaint, filed. Summons issued. rm	
4-16-74	Summons, ret. & filed: served The Corporation Co. for C.I.T. Corp., Ok. City, 4-12-74. (USM \$4.00)g	
4-30-74	2. APPLICATION, of Deft., for Enlargement of Time to Plead or Ans. 30 days after 5-2-74 (5-30-74), filed.jj O to J	
5-6-74	3. Order extending time to plead or answer, filed, granting deft. until 30 days after 5-2-74 to plead or answer. (LB-J)hm (copies mailed)	
5-31-74	4. ANSWER and COUNTERCLAIM of def., filed. rm	
7-11-74	5. Applic. of pltf. for order enlarging time to answer counterclaim of deft., filed. hm <i>otg</i>	
7-15-74	6. ORDER Extending Plaintiff Additional Time to Answer counterclaim of Deft., filed, extending time until 30 days from 7-11-74 to answer counterclaim.(LB-J)b (copies mailed)	
7-29-74	7. Def's first written interrogatories, filed.k	
8-7-74	8. Pltf's Reply to Counterclaim, filed.jj	
8-20-74	9. Applic. of pltf. for order extending time to answer deft's first written interrogatories, filed. hm	
8-20-74	Case set for pre-trial 9-10-74 at 9:30 a.m. (LB-J)hm	
8-26-74	10. Order extending pltf. additional time to ans. deft's first written interrogatories, filed. lm <i>copies mailed</i>	
9-10-74	Case called for pre-trial hearing and passed by agreement of parties, not to be reset until after 12-1-74, or upon application of counsel. (LB-J)hm	
9-18-74	11. Pltf's answers to deft's first written interrog., filed. k	
9-26-74	12. Pltf's first written interrogatories, filed.k	
10-1-74	Deposition of Glen E. Michael taken on behalf of deft. on 9-9-74, in Tulsa, OK, before Jimmie J. Reed, CSR, with fees of \$141.00, fld. v	
10-24-74	13. Applic. of deft. C.I.T. Corp for ext. of time in which to ans. or obj. to pltf's first written interrog., filed. hm <i>otg</i>	
10-29-74	14. Order extending time to answer or object, filed, ext. time to ans. or obj. to pltf's first written interrog. for 30 days after 10-26-74. (LB-J)hm (copies mailed)	
11-25-74	Case set for pre-trial hearing 12-17-74 at 9:30 a.m. (LB-J)hm	
11-25-74	15. Appl. of deft., C.I.T. Corp., for time of 10 days to ans. or object to pltf's first written interrog., filed.k <i>otg</i>	
11-27-74	16. Order extending time to answer or object, filed, granting deft. until 10 days after 11-25-74 to ans. or obj. to pltf's first written interrogatories. (LB-J)hm (copies mailed)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-5-74	17. Answers to Pltf's 1st Written Interrogatories, filed.jj	
12-17-74	Case called for pre-trial hearing. Statements made. Pltf. makes oral request for jury, deft. objects and Court sustains objection, as applic. made out of time. Pre-trial passed, to be reset. (LB-J)hm	
1-8-75	18 . Order filed, transferring case to Judge Cook. (LB-J) ds	
2-6-75	MO: Case set for pre-trial on 2-27-75 at 1:00 p.m. (HDC-J)hm	
2-19-75	18 . Appl. for resetting of PT conference, filed.k o to J	
2-20-75	19 . Order, filed, resetting PT conference for 10:00 a.m. Apr. 1, 1975. (HDC-J)hm (copies mailed)	
4-1-75	MO: Pre-trial hearing held. Statements made. Pltf. granted leave to file amended complaint. Conference memorandum submitted to the Court. Addition pre-trial hearing to be set after discovery complete, probably in June. Parties to notify Clerk when discovery is complete. Case to be set for non-jury trial, probably in September. (EST-5 days) (HDC-J)hm	
4-8-75	Transcript of proceedings had on 4-1-75 at pretrial conference, filed. hm	
4-8-75	20. Motion for leave to file amended complaint, filed.k o to J	
4-8-75	21. Order granting leave to file amended complaint, filed. (HDC-J)hm (copies mailed)	
4-8-75	22. Amended complaint, filed. hm	
4-28-75	23. Ans. to Amended Compl., filed. v	
5-5-75	DEPOSITION of Earl Garrett on behalf of pltf on 1-28-75 in Tulsa, Okla. taken by Jimmie J. Reed, CSR. (\$236.00)lm	
5-21-75	24. Pltf's proposed pre-trial order, filed. hm	
5-5-75	Deposition of Jack Bailey on behalf of deft., filed. (\$107.)g	
6-10-75	MO: Case set for pre-trial 7-7-75 at 11:00 a.m. (HDC-J)hm	
7-3-75	25. Joint appl. of parties for continuance of PT setting, filed. rm	
7-3-75	26. Order, filed, continuing PT conf. (HDC-J)rm-copies mailed	
8-28-75	-- Deposition of Michael M. Samara, on behalf of Deft., taken before Glen R. Dorrough, CSR, with fees of 25.50, filed. v	
9-2-75	Deposition of <u>Grant Griffith Goodman</u> , on behalf of the defendant, Frank L. Peterson, CSR on 7-8-75 W.fees of \$286.50 paid by the defendant, filed. mm	
9-2-75	Deposition of <u>Harold Grigsby</u> on behalf of the defendant, taken before G.R. Dorrough, CSR, on 6-19-75 in Tulsa, Okla., filed. mm	
9-8-75	DEP. of Joseph Charles Lampton taken on behalf of deft. on 6-27-75 at Tulsa, Okla. before Frank L. Peterson (CSR), filed. lm	
9-9-75	27. Appli. for Leave to File Amended Ans. and Amended Counterclaims, filed. lm (o to J)	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Note
9-11-75	MO: Ordered that pltf. file resp. brief to applic. to file amended ans. & amended counterclaim within 10 days. (HDC-J)hm	
9-12-75	Deposition of <u>Charles C. King</u> on behalf of the deft., taken on 5-29-75 before Frank L. Peterson, CSR W/fees of \$54.00 pd by the deft, filed. mm	
9-17-75	28. Notice of Taking Deposition of <u>Joe Mendelovitz</u> and <u>Lee Cook</u> on 10-7-75 in Houston, Texas filed by the defendant.mm <i>2 cert. copies to atty</i>	
9-17-75	29. Plaintiff's Combined Motion & Objection to Defendant's Motion for Leave to File Amended Counterclaim, filed. mm	
9-17-75	30. Brief in Support of Plaintiff's Objection to Defendant's Motion for Leave to File Amended Counterclaim, filed. mm	
9-17-75	MO: It is ordered by the Court that the defendant file a responsive brief within 10 days to the plaintiff's combined motion & objection to defendant's motion for leave to file counterclaim. (HDC-J) cps mld mm	
9-22-75	Deposition of <u>Michael Ward McKenzie</u> on behalf of the deft. taken on 5-29-75 before Frank L. Peterson, CSR W/fees of \$190.50, filed.mm	
9-29-75	31. Notice by pltf. to take deposition of Theodore Bajo in N.Y. on 10/21/75, filed. rm (certified copy to atty)	
9-29-75	32. Appl. for Extension of Time of the Deft. CIT Corp. for extension of time of 5 days from 9-29-75 to file a response to Pltfs. Motion, Objection & Brief, filed. mm (O to J)	
9-30-75	33. Order, filed, granting deft. CIT 5 days from 9-29-75 to respond to pltf's mot. & objection. (HDC-J)g mld.	
10-2-75	Deposition of <u>Joseph Charles Lampton</u> on behalf of the deft. taken on 6-27-75 before Frank L. Peterson, CSR, filed. mm (9-2-75)	
10-6-75	34. Reply Brief of deft. in support of appli. for leave to file amended counterclaim, filed. lm	
10-24	Deposition of Michael Ward McKenzie on behalf of deft., filed. g	
10-30	Depositions of Lee Michael Mendelovits, James W. Wright, Sr., Robert Rost and Joseph Charles Lampton, filed. g	
10-30-75	Depositions of Jules K. Roth, Jos. T. Haffey and David N. Riggs, taken by pltf., filed. g (2 packages)	
11-4-75	35. Order, filed, granting appl. of deft C.I.T. Corp. to file an amended answer to amended complaint and amended counterclaim. (HDC-J)g cpies mailed	
11-5-75	36 Am. Ans. to Am. Complaint and Am. Counterclaim of Deft. filed.jj	
11-25-75	37. Appl. for time to file response to deft's Amended Answer to Amended Complaint and deft's Amended Counterclaim, filed. ph	
11-25-75	38. Order, filed, granting pltf. until 12-25-75 to file a resp. to deft's Amended Answer to Amended Complaint and Amended Counterclaim. (HDC-J)ph cps mld.	
12-18	39. Reply of pltf. to amended counterclaim, filed. rm	
12-19	MO: Case set for PT hearing 2-3-76 at 3:45 p.m. (HDC-J)hm	

D. C. 110A Rev. Civil Docket Continuation

⑤

DATE	PROCEEDINGS	Date Order or Judgment Noted
1976		
2-3	MO: Case called for PT hearing and passed to be reset. (HDC-J)ph	
2-4	MO: Case set for pre-trial hearing on 4-15-76 at 10:30 a.m.(HDC-J)ph	
3-17	40 th Motion for summary judg., filed.t	
3-17	41; Brf. in support of Mot. for summary judg., filed.t	
3-17	MO: Ordered that Deft. has 10 days to respond from this date to Pltf's Mot. for summary judg.(AEB-J)t cps. mld.	
3-29	42 Appl. for Ext. of Time, filed.t O-J	
3-31	43. Order, filed, that Deft. CIT Corp. be granted until 4-19-76 to respond to Pltf.'s Mot. for S/J. (HDC-J)v -cps. mld.	
4-13	44. Deft's mo/S/J w/brief, filed. ph	
4-13	MO: It is ordered by the Ct. that the Pltf. file a responsive brief within 10 days to the Deft's mo. for S/J.(HDC-J)ph cps mld	
4-15	MO: Pre-trial hearing held. Statements made. Pre-trial brief of pltf. and Pltf's req. for ext. of time to resp. to deft's motion for S/J, filed in open court. Pltf. given 20 days extension to respond to motion for S/J; deft. 10 days extension to respond to pltf's motion for S/J. Pltf. to file applic. to bifurcate within 20 days and deft. 10 days thereafter to respond. Discovery complete except for one depos. Pltf. waives jury trial. Depending on ruling on motions for S/J, parties given 20 days after order filed to file PT order. Case to be set for N/J trial after ruling as soon as possible. Case to possibly be set for further PT. (HDC-J)hm	
4-15	45. Plaintiff's pre-trial brief, filed in open court. hm	
4-15	46. Pltf's req. for ext of time to resp. to deft's motion for S/J, filed. hm (granted by MO this date)	
4-22	47. Pltf's appl. for order to separate trials w/brief, filed. ph (resp. due 5-2-76 as per MO of 4-15)	
4-27	Transcript of proceedings had on 4-15-76, PT Conf., filed. (T. Bloxom-USCR)ph	
4-29	48. Request of deft. for ext. of time to resp. to pltf's mo/ S/J, filed. ph	
4-30	49. Order, filed, granting def. to 5/10/76 to respond to pltf. mo/SJ.(HDC-J)rm-copies mailed	
5-6	50. Deft's brief in opposition to appl. for separate trials, filed. ph	
5-7	Deposition of Lee Cook, taken on 10-7-75 in Houston, TX, filed. (Kay Schwartz-Notary-Harris Co., Texas)ph	
5-10	51. Brief of def. in opposition to pltf. mo/SJ, filed. rm	
5-12	52. Reply to Mot. for S/J & Brief in support, fld. by Pltf. v	
5-17	53. Deft's request for time to reply to brief in opposition to CIT's motion for S/J, filed. ph <i>oto J</i>	
5-18	MO: It is ordered by the Court that deft. C.I.T. be granted until 6-1-76 to reply to M-L's brief in Opposition to C.I.T.'s mo/ S/J.(HDC-J)ph ltr. mld.	

(CONTINUED)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	54.	
6-2-76	Reply brief of def. in support of mo/SJ, filed. rm	
9-20	MO: Case set for hearing on Pltf's motion for S/J; Deft's motion for S/J and Pltf's appl. for order to separate trials, set for 11-4-76 at 10:30 a.m. (HDC-J)ph notices mld	
9-27	-- Deposition of Joe Mendelovitz taken on 10-7-75, at Houston, TX, filed. (K. Schwartz-Notary)ph	
11-4	MO: Case called for hearing on pending motions. Parties represented. Statements made. Pltf's motion for S/J overruled; Deft's motion for S/J overruled; and Pltf's applic. for order to separate trials reserved for ruling at PT hearing. Deft. granted leave to file a motion for partial S/J containing lease categories. Parties state all discovery is complete w/exception of one deposition. PT hearing set 1-3-77 at 9:30 a.m., at which time pending motions will be ruled on. Nonejury trial set 2-22-77 at 9:30 a.m. (HDC-J)hm	
11-16	-- Reporter's transcript of proceedings on 11-4-76, hearing on pltf's mo/SJ, Deft's mo/SJ, and pltf's appl. for order to separate trials, filed. ph	
12-16	Exhibits for Roth Deposition, filed. ph	
12-16	Exhibits for Alcutt Deposition, Parts I and II, filed. ph	
12-30	Deft's motion for partial S/J, filed. ph	
12-30	56. Brief of deft. CIT in support of motion for partial S/J, filed. ph	
1-3-77	MO: It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Deft., CIT's Motion for Partial S/J. (HDC-J)ph ltr mld	
1-3	Case called for pre-trial hearing. Statements made. Court bifurcates issue of liability from issue of damages. Pltf. directed to file brief in response to deft's motion for partial S/J by 1-13-77 and deft. given until 1-20-77 to file reply brief. N/J trial heretofore set 2-22-77 at 9:30 a.m.. Further PT hearing set 2-1-77 at 5:00 p.m. (HDC-J)hm	
1-13	MO: Case reset for PT hearing on 2-3-77 at 9:00 a.m. (HDC-J)ph notices mld	
1-13	57. Resp. brief of pltf. in oppos. to deft's mo/partial S/J, filed. ph	
1-18	-- Reporter's Transcript of Proceedings had on 1-3-77, Pretrial Hearing before Judge Cook, fld. Thomas G. Bloxom, Reporter. v	
1-21	58. Reply brief of deft. CIT in support of its motion for partial S/J, filed. ph	
1-24	Deposition of Sam Hanna taken on 12-29-76, filed. (F.L. Peterson-CSR)ph (\$93.00 pd by pltf's.)	
2-3	MO: Case called for PT hearing. Statements made. Deft's motion for partial S/J re leases sustained. Pltf. to prepare PT order by 2-11-77, after receipt of transcript from reporter. Trial briefs, if desired, to be filed by 2-18-77 & case heretofore set for N/J trial 2-22-77 at 9:30 a.m. (HDC-J)hm	
2-4	Reporter's transcript of proceedings had on 2-3-77, PT hearing, filed.ph	

(Continued)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-165</u>
M-L & Associates, LTD		CIT Corporation	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
2-14	59.	Pltf's motion to alter or amend judgment w/brief. in support, filed. ph	
2-15	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the Pltf's motion to alter or amend judgment. (HDC-J)ph cps mld	
2-15	60.	Pretrial Order, filed. (HDC-J)rm	
2-16	61.	Order sustaining motion for partial S/J of deft. C.I.T. Corp., filed. (HDC-J)hm (copies mailed)	
2-16	MO:	Ordered that minute order dated 2-15-77 is rescinded. (HDC-J)hm (parties phoned)	
2-18	62.	Trial brief of Deft. CIT, filed. ph	
2-18	63.	Order, filed, amending PT order. (HDC-J)hm (copies mailed)	
2-22	64.	Pltf's trial brief, filed. hm	
2-25	MO:	Case tried to the Court Feb. 22,23,24&25. Parties announce ready. Rule invoked. Pltf's mo/alter or amend judgment overruled. Oral motion to modify as to 4 leases as specified by pltf. counsel, granted, & S/J will be modified accordingly. Bill Baronof admitted for purposes of this case only. Oath administered. Stipulation of damages on fraud count entered into & approved by Court. Case may be bifurcated on that issue. Deft's oral motion in limine as regards leases A,B,C&D on issue of counterclaim taken under advisement & will be ruled on before deft's case in chief on counterclaim. Court allows copies of exhibits to be introduced as long as they are legible. Pltf. presents case in chief w/test. of witnesses, introduction of exhibits, and rests. Deft's motion for judgment denied. Deft. presents case in chief w/test. of witnesses, introduction of exhibits, and rests. Parties rest on complaint. Deft. presents case in chief on counterclaim & rests. Pltf's mo/judgment on deft's counterclaim overruled. Pltf. rests. Parties rest. Ruling taken under advisement by the Court. Suggested F/F, C/L & post-trial briefs to be filed simultaneously within 3 weeks & parties directed to refer each F/F to that part of the record that supports such F/F. Responsive briefs to be filed 10 days thereafter. (HDC-J)hm	
2-25		Trial exhibits, filed. (with file)hm	
3-21	65.	Pltf. proposed conclusions of law, filed. rm	
3-21	66.	Pltf. proposed findings of fact, filed. rm	
3-21	67.	Deft's requested F/F and C/L, filed. ph	
3-21	68.	Deft's post trial brief, filed. ph	
3-21	69.	Deft's appl. to receive addit. exhibit, filed. ph (O to be in)	
3-23	70	Order, fld. It is ordered that the appl. to admit additional exhibit filed by Deft. is denied. (HDC-J) cps mld. ho	
3-31	71.	Pltf's resp. to deft's proposed F/F, C/L and post trial brief, filed. ph	
3-31	72.	Deft's resp. to pltf's proposed F/F and C/L, filed. ph	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-165</u>
M-L & ASSOCIATES		CIT	PAGE <u>8</u> OF <u>4</u> PAGES

DATE	NR.	PROCEEDINGS
<u>1977</u> 9-9	73.	Judgment, filed and entered, that as to the cause of action brought by M-L & Asso. LTD against CIT Corp, judgment be entered in favor of CIT Corp. and against M-L & Asso.; further that as to the first counterclaim of CIT Corp. against M-L & Asso. judgment be entered in favor of CIT Corp. and against M-L & Asso. in the amt of \$43,614.98, and as to the second counterclaim of CIT Corp, that judgment be entered in favor of M-L & Asso and against CIT Corp. (HDC-J)ph cps mld
9-9	74.	Judgment memorandum, filed and entered. (HDC-J)ph cps mld
9-19	75	Affidavit and Bill of costs of deft. filed, setting hearing for 9-29-77 at 10:00 a.m. ph
9-29	---	Cost hrg. held before clerk. Deft. counsel present. Costs taxed against pltf. in amt. of \$4,269.47.(JCS-Clk)rm
11-2	76.	Release and satisfaction of judgment, filed. ph